IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7065 of 1993

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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JUNAGADH MUNICIPAL CORPORATION - Petitioner(s)
Versus
ANIL LAXMAN GOHEL - Respondent(s)

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Appearance :
MS. TULSI VORA for Petitioner(s) : 1,
MR RC KAKKAD for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 07/09/2007

ORAL JUDGMENT

Ms. Tulsi Vora, learned counsel for the petitioner; Shri R.C. Kakkad, learned counsel for the respondent.

After the matter was argued for some time, learned counsel for the respondent submitted that he be allowed to withdraw the Reference with liberty in favour of the respondent to challenge the order of termination before a competent Civil Court on the ground that his appointment was on compassionate ground, therefore, appointment could not be terminated unceremoniously.

Taking into consideration the totality of the circumstances and the legal position, I allow the request made by the learned counsel for the

respondent with liberty aforesaid. It is, however, made clear that the respondent-workman would be free to submit to the Civil Court that in view of the provisions of Section 14 of the Limitation Act, the period spent in these proceedings, that is, the proceedings before the Labour Court and the High Court deserve to be excluded from the count of the limitation.

The petition is allowed. All the findings recorded by the learned Court below are set aside in view of the withdrawal of the Reference. Rule is made absolute. No costs.

[R.S. GARG, J.]

pirzada/-